

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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| PROSKAUER ROSE LLP, | : | |
| | : | |
| Plaintiff, | : | |
| | : | 1:22-cv-10918-AT-SLC |
| v. | : | |
| | : | |
| JONATHAN O'BRIEN, | : | |
| | : | |
| Defendant. | : | |
| | : | |
| ----- | X | |

**DECLARATION OF ADAM C. SAUNDERS IN SUPPORT OF PLAINTIFF'S
MOTION FOR A PRELIMINARY INJUNCTION**


I, Adam C. Saunders, declare as follows:

1. I am a member of the New York Bar and an associate at the law firm Debevoise & Plimpton LLP.
2. I make this declaration on personal knowledge and on the record of this litigation in support of Plaintiff's Reply Brief in Further Support of its Motion for a Preliminary Injunction.
3. On January 6, 2023, Jonathan O'Brien's counsel sent me a proposed protocol to govern the forensic review of Mr. O'Brien's personal devices. On Tuesday, January 10, I sent Mr. O'Brien's counsel a revised version of the protocol with a number of proposed edits. During a call on Thursday, January 12, Mr. O'Brien's counsel stated that they would send back "promptly" a markup of the protocol for our review.
4. Having not heard from Mr. O'Brien's counsel, I sent a follow-up email on Monday, January 16 asking counsel to "[p]lease let us know when we can expect to receive your markup of the protocol as discussed on our call last Thursday." Mr.

O'Brien's counsel responded on January 17 at 5:58 a.m. that they "would have turned back to [the protocol] already but, as you know, . . . you filed your motion about the iPhone password on Friday night. As a result, we will respond to your motion and then turn back to the protocol. You will have the protocol promptly after that, unless you serve another motion that we need to deal with in the interim."

5. Attached as **Exhibit 1** is a true and correct copy of counsel's January 17 email.

Executed at New York, New York on this 18th day of January 2023. I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, reading "Adam C. Saunders", written over a horizontal line.

Adam C. Saunders